

Application Number 10/050,299
Amendment dated December 21, 2004
Responsive to Office Action mailed October 1, 2004

REMARKS

This amendment is responsive to the Office Action dated October 1, 2004. Applicants have amended claims 1-6, 13, and 22 and canceled non-elected claim 23. Claims 1-22 are pending.

Restriction Under 35 U.S.C. § 121

In the Office Action, the Examiner restricted claims 1-23 under 35 U.S.C. § 121 as follows:

- Group I. Claims 1-22, drawn to a method, classified in class 264, subclass 2.5, and
- Group II. Claim 23, drawn to a set of optical data storage disks, classified in class 369, subclass 272.

During a telephonic conversation with the Examiner, Applicants provisionally elected Group I with traverse. Applicants hereby affirm this election of Group I (claims 1-22) *without* traverse. Applicants have canceled non-elected claim 23 at this time.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 7-13 and 18 under 35 U.S.C. 103(a) as being unpatentable over JP 64-086345 in view of admitted prior art; and rejected claims 8-10 under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Maenza (US 5,528,577).

In the interest of expediting prosecution of this application toward issuance, Applicants have amended claim 1 to include the limitations of claim 3, which the Examiner indicated as allowable. In addition, Applicants have rewritten claim 2 to be in independent form. All pending claims should now be in condition for allowance. Applicants reserve the right to pursue the subject matter of original claim 1 and/or non-elected claim 23 in one or more continuation or divisional applications.

Allowable Subject Matter

In the Office Action, the Examiner objected to claims 2-6 as including subject matter that would be allowable if rewritten in independent form. As indicated above, Applicants have

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amended claim 1 to include the limitations formerly recited in claim 3, and have re-written claim 2 into independent form. Applicants have amended claim 3 to depend upon amended claim 2, and have amended claims 4-6 to make claims 4-6 dependent on amended claim 1. Applicants have amended claims 13 and 22 to fix minor typographical errors unrelated to patentability.


Conclusion

All claims in this application are now in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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12/21/04
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